



November 30, 2022

Via ECF

Hon. Paul G. Gardephe, U.S.D.J.
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

Re.: Emilio R.E. Kallas v. Joel M. Price, et al., No. 22-cv-08256

Dear Judge Gardephe:

We represent Defendants Joel M. Price and the G&P Agency, Inc. (“Defendants”).

Pursuant to Your Honor’s Individual Rules of Practice, on behalf of all counsel, we write to request an adjournment of the Initial Conference scheduled to occur on December 8, 2022 at 11:00 a.m.

We are requesting an adjournment of approximately thirty (30) days. We have conferred with Plaintiff’s counsel and have determined that the parties are available to appear on the following Thursday mornings: Thursday January 12, 2023; Thursday January 19, 2023; or Thursday January 26, 2023. There are several reasons for this request.

First, I have been summoned to appear on December 7, 2022 to serve as a petit jury in the Superior Court of New Jersey, Essex County. The term of service is either a full week or one trial. My prior request to be excused from service was declined; therefore, I will be unable to appear on Defendants’ behalf on December 8, 2022.

Second, Plaintiffs’ counsel, Messrs. Rashbaum and Fasano, advised our office that they are recovering from a broken ankle and a bad case of influenza, respectively, and as such they would prefer to defer travel from Florida at this juncture.

Finally, our office has just been retained in this action. We have not yet had an opportunity to meet with our client or to review the pertinent facts and documents relating to this case. Therefore, Defendants have not had an opportunity to answer the allegations in the Complaint – the time for which has been extended by Joint Stipulation to January 12, 2023.

This is the parties first request for an adjournment.

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Respectfully submitted,

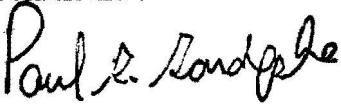
/s/ Richard J. Babnick, Jr.

Richard J. Babnick, Jr., Esq. (RB-3374)

cc.: Daniel L. Rashbaum, Esq. (by ECF)
Gabriela M.B. Scanlon, Esq. (by email to gabriela@mbscanlon.com)
Michael C. Fasano, Esq. (by email to mfasano@fasanolawfirm.com)
Attorneys for Plaintiff Emilio R. E. Kallas

MEMO ENDORSEMENT: The conference on December 8 is adjourned to January 12, 2023 at 10:45 a.m. in Courtroom 705 of the Thurgood Marshall United States Courthouse, 40 Foley Square, New York, New York.

SO ORDERED.



Paul G. Gardephe
United States District Judge
Date: December 6, 2022